

**Sole Source Justification Form  
Part I**

Requesting Agency/University: Capital Development Board  
Name of Requestor: James Cockrell  
Project Title: 104-141-010 Water Distribution  
Vendor: Fuetz Contractors, Inc.

Date: 5/13/2013 Bulletin or Reference Number: 22031022  
Department/Bureau/Section: Capital Planning,

Value of Initial Term, or if a Renewal, Value of this Renewal: \$ 16560

Value is: ☒ Actual ☐ Estimated

**Term**  
☐ One-Time Purchase  
☒ Term Contract  
Proposed Sole Source Contract Begin Date: 6/10/2013 Proposed Sole Source Contract End Date: 8/30/2013

**Renewals**  
# of Potential/Remaining Renewals: N/A Length of Each Renewal in Months: Total Value of All/Remaining Renewals: \$

This is a: ☐ New Sole Source ☐ Change Order or Amendment to an Existing Sole Source  
☐ New Sole Economically Feasible Source ☒ Extension or Continuation of Vendor Responsibilities to an Existing Contract  
☐ Pre-Negotiated Sole Source Renewal

Professional and Artistic? ☐ Yes ☒ No Sole Source may not be used for amendments for Professional or Artistic Services if the amendment would increase the value by more than 5% of the initial award or extend the term by more than 60 days.

Provide a description of the supplies or services required: Provide construction services and to continue warranty, insurance, and other liability requirements or considerations established in the prior contract. The Capital Development Board intends to enter into a sole source contract with Fuetz to finish the work as it was outlined in the scope of the previous contract

**Funding**  
Select the type of funding to be used:  
☐ Federal Funds ☒ State Appropriated Funds ☐ State Grant Funds ☐ Other (Explain):

This purchase is economically only available from a single source because it is:

- ☐ Art or Entertainment Services or Athletic Events
- ☐ Compatibility of Equipment, Accessories, Replacement Parts or Service
- ☐ Critical Changes to the Existing Contract Are Necessary and Best Accomplished by the Contract Holder
- ☐ Federal/State Grant Requires Contract with Vendor
- ☐ Item is Copyrighted or Patented and the Item is Only Available From the Holder – Copyright or Patent Number(s):
- ☐ Item is to be Procured for Commercial Resale
- ☐ Items Are Needed for Trial Use or Testing
- ☐ Media for Advertising
- ☐ Necessary Adjustment of Utility Facilities in Conjunction with Highway Construction
- ☐ Organization Memberships (Dues, Fees, Conference Charges Including Mandated Travel and Related Expenses)
- ☐ Public Utility Regulated Services
- ☐ Radio and Television Broadcast Rights
- ☐ Railroad Crossings/Facilities Alterations – Proprietary
- ☐ Software License/Upgrade/Maintenance
- ☒ Other (Explain): Vendor will complete remaining work from an expired contract and retain warranty, insurance and liability considerations from the previous contract.

Has the Agency or University purchased these supplies/services in the past? ☒ Yes ☐ No

If yes, STARTING WITH THE MOST RECENT CONTRACT AND WORKING BACKWARD, for the entire relationship with this vendor for this supply or service, list each term, value, short description and type of procurement of each:

Term:	Term From:	Term To:	Value	Description:	Type:
One	6/12/2009	10/14/09	\$ 179117	Construction Services	Competitively Bid
Two			\$		Select One
Three			\$		Select One
Four			\$		Select One
Five			\$		Select One
Six			\$		Select One
Seven			\$		Select One
Eight			\$		Select One
Nine			\$		Select One
Ten			\$		Select One


If more than 10 years, explain:

## Business Rationale

1. Provide a detailed explanation of the need for the supplies or services: Construction services. The freeze proof water hydrants that were installed in this project have not functioned properly since installation. The user would like to replace 3 of the freeze proof hydrants with 3 regular hydrants that are being provided at no cost. The hydrants are needed during the winter months to tend to the livestock.
2. Why are the requested supplies or services the only one that can satisfy your requirements? The contractor has done all prior work on site to the water system and is familiar with the system. Fuetz was contracted to do construction services for this project after competitive bid was completed. They have completed most of the work as outlined in the scope of this project.
3. What are the unique features of the supplies or services that are not available in any other product or by any other vendor? Provide specific, quantifiable factors/qualifications: The contractor has completed 100% of the construction work for this project. Therefore they have a knowledge of the work that is not available from another contractor. There are also issues with warranties, certifications, and punch list items. A different contractor would not be responsible for work or materials that said contractor did not install or do. The Capital Development Board has spent a substantial amount of money and time with the vendor that was contracted to do the construction services. This vendor is the only one that can complete the work as outlined in the original contract.
4. If services, what are the unique qualifications this vendor possesses? Provide specific, measurable factors/qualifications: The contractor has completed 100% of the construction work for this project. Therefore they have a knowledge of the work that is not available from another contractor. There are also issues with warranties, certifications, and punch list items. A different contractor would not be responsible for work or materials that said contractor did not install or do. The service are nearly complete. The incumbent firm would be the only economically feasible source to finish this construction work given the time and effort they have already put into this project.
5. Were alternative supplies or services evaluated? ☐ Yes ☒ No
  - 5a. If yes, what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility:
  - 5b. If no, why were alternatives not evaluated? The State would incur additional costs to rebid the work. It would create issues with the warranties, certifications, and punch list items for work that has been performed and materials that have been installed. It would cost a substantial amount of money that has already been paid to the present vendor plus time lost if another vendor were to start from scratch
6. What efforts were made to get the best possible price? Competitive bidding was completed for this project which Fuetz was the low cost vendor.
7. Will this purchase obligate the State to this vendor for future purchases such as maintenance, licensing or continuing need? ☐ Yes ☒ No
  - 7a. If yes, please provide details regarding future obligations and/or needs:
8. Why is the price for this purchase considered to be fair and reasonable? CDB competitively bid the original contract
9. If this is a renewal, describe why circumstances are such that competitive selection is still not an alternative since awarding the original contract: No not a renewal.
10. What will be the financial or other impact to the State if this sole source is not approved and a competitive bid is required? The State of Illinois will incur the additional cost of creating a solicitation and rebidding the remaining work. The State will need to determine exactly what needs to be done and create new bidding documents for the solicitation. This creation of these documents duplicates, to some extent, work that has already been paid for and completed. There is also the very good chance that the process received in any rebid will be higher than the cost quoted. The State of Illinois will incur the additional cost of new contractor to re-do work already paid for causing increased financial burden to the state.

## Agency Representative Signature Required

I know and understand the contents of this Sole Source Justification and attest that all statements are true and correct.

  
Agency Representative Signature


James Cockrell  
Printed Name

5/21/13  
Date

(217) 558-4263  
Agency Representative Telephone Number

James.Cockrell@illinois.gov  
Agency Representative Email Address

## SPO Approval and Signature Required

  
SPO Signature

Christopher Flynn  
Printed Name

5/21/13  
Date

217-558-2185  
SPO Telephone Number

Christoper.Flynn@illinois.gov  
SPO Email Address